IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 12271 of 2005

Between:

M. Madhusudhan Reddy, S/o. M. Guruvi Reddy,
R/o. H.No. 1/34/2/2, C.V. Subhakar Reddy Colony, Bypass Road,
Pulivendula, Kadapa District.

..... PETITIONER

AND

1 The Superintending Engineer, R & B, Kadapa,

Kadapa District.
2 The Executive Engineer, R & B., Pulivendula,

Kadapa District.
3 The Pulivendula Municipality, rep. by its Commissioner,

Pulivendula, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order, or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondents trying to demolish petitioners shops bearing Nos. 1/1891, 1/1892, 1/1893, 1/1894 and 1/1895 on the Parnapalli Road, Ankalammapet, Pulivendula, Kadapa District and without initiation of proceedings under Land Acquisition Act and without following the due process of alaw as illegal, arbitrary and against to the principles of natural justice and opposed to Art. 300 of the Constitution of India and to pass such other order or orders.

Counsel for the Petitioner: MR.N.PARAMESWARA REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR ROADS & BUILDINGS

Counsel for the Respondent No.3: MR S.I.NEWTON

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking Writ of Mandamus, declaring the action of the respondents in trying to demolish the shops of the petitioners bearing Nos.1/1891, 1/1892, 1/1893, 1/1894 and 1/1895 situated on Parnapalli Road, Ankalammapet, Pulivendula, Kadapa District without initiation of proceedings under Land Acquisition Act and without following the due process of law, as illegal and arbitrary.

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the 3rd respondent/Municipality.

The learned counsel for the petitioner contended that the petitioner is the absolute owner of shops bearing Nos.1/1891, 1/1892, 1/1893, 1/1894 and 1/1895 situated on Parnapalli Road, Ankalammapet, Pulivendula of Kadapa District and he has not encroached any Government site. It is his further contention that without initiating land acquisition proceedings, and without issuing any notice, the respondents are trying to demolish his shops in the process of road widening.

On the other hand, the learned counsel for the 3rd respondent contended that on mere apprehension only, the petitioner filed this writ petition, and the respondents have not been taken any steps for demolition of shops of the petitioner.

The Division Bench of this Court in ***P.Lakshmana Rao v. Executive Officer*** issued certain guidelines to be followed by the authorities in acquiring the properties of public for the purpose of widening roads. When a property is required for public purpose viz., for widening of roads or for any other purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanations, the authorities shall pass appropriate orders, if necessary.

Following the guidelines issued by this Court in the above referred judgment, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to take any steps for demolition of shops of the petitioner without following due procedure, without initiating land acquisition proceedings and without making any negotiations with the petitioner.

The Writ Petition is, accordingly, disposed of. No order as to costs.

Dated:10.06.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Superintending Engineer,

Roads and Buildings, Kadapa,

Kadapa District

2. The Executive Engineer,

Roads and Buildings,

Pulivendula, Kadapa District

3. The Commissioner,

Pulivendula Municipality,

Pulivendula, Kadapa District

4. Two CCs to the Government Pleader

for Roads and Buildings, High Court Buildings,

Hyderabad (OUT)

5. Two CD copies

*Form-NIC-OGS/WP{**JGK**}*